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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,482	09/20/2000	Peter H. I. Kim	412342-2	8575
23562	7590	11/17/2005	EXAMINER	
BAKER & MCKENZIE PATENT DEPARTMENT 2001 ROSS AVENUE SUITE 2300 DALLAS, TX 75201			LE, KHANH H	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/665,482

Applicant(s)

KIM, PETER H. I.

Examiner

Khanh H. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 20, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

1. This Office Action is in response to the Correspondence dated June 20, 2005. Claims 1-28 are now pending. Claims 1 and 15 are independent.

**Objections**

2. As to claim 28, there seems to be a typographical error, the database should be a 2<sup>nd</sup> database to be consistent with parallel claim 14. Appropriate correction is required.

***Response to Arguments***

3. Applicants' arguments have been considered but are moot in view of new prior art applied.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**5. Claim 1-10, 13-14, 15-24 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Boe et al, US 6236975 B1.**

Boe discloses targeted marketing system and method are provided that provide a customer with customer questions, receive responses to the customer questions from the customer, and store data associated with the responses. The customer is provided with a feedback page that graphically illustrates data associated with the customer's standing in a selected peer group. The customer is provided with options operable to adjust the customer's actual demographic to a hypothetical demographic, and data associated with hypothetical demographic changes from the customer is received and processed. Hypothetical feedback information is then displayed that graphically illustrates the hypothetical standing of the customer within the selected peer group such that the customer can see the effect of the hypothetical demographic changes.

As to claims 1, 5, 15, 19, BOE discloses creating polls (set of questions which can be different sets for each product offered by a certain business ) (see at least Fig. 2 and associated text; col. 6 lines 9-45) archiving said polls in a storage area ) (see at least Fig. 2, items 22 , 24 and associated text; col. 6 lines 9-45) searching the archived polls to select a set of said polls using matching terms within poll content descriptors associated with each archived poll (see at least Fig. 2 and associated text; col. 6 lines 9-45: indexing and searching per business ID, per product/service category, per customer ID/demographics ). )

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placing one of said selected polls in a webpage  
delivering that page to permit user viewing and interaction with said one the selected polls in  
real time (see at least Fig. 2 and associated text;  
and building a profile for one of said users based on said interaction (see at least col. 4 lines 47-  
60: customer profiles are implicitly generated following the interaction to allow further  
targeting by businesses; Fig. 6a items 228-234 and associated text).

As to claims 2 and 16, BOE discloses creating polls comprises forming a question and  
plural possible answer choices (see at least Fig. 4 and associated text).

As to claims 3 and 17, BOE implicitly discloses archiving comprises seeking and  
obtaining approval for indexing based on contents of each of said new polls. Implicitly BOE  
discloses indexing of polls contents according to predefined guidelines (see at least col. 6 lines  
9-45: indexing per business ID, per product/service category, per customer ID/ demographics ).  
Indexing (based on the contents of each of said polls) in accordance with those predefined  
guidelines implicitly means approval by the database administrator has been sought and  
obtained.

As to claims 4 and 18, BOE implicitly discloses archiving polls (sets of questions)  
comprises rating (categorizing) and indexing contents according to predefined guidelines (see at  
least col. 6 lines 9-45: per business ID, per product/service category, per customer  
ID/demographics ).

As to claims 6 and 20, BOE implicitly discloses searching function comprises defining  
said matching terms according to a marketing campaign (Fig. 2 and associated text; col. 6 lines  
9-28: survey questions and answers are generated based on the particular business  
products/services to be sold and the business preferences thus the above is implied. )

As to claims 7 and 21, Boe discloses the placing function further comprises embedding a  
new reference link with said web page (Fig. 4c, items 519, 520 and associated text)

As to claims 8 and 22 , Boe discloses embedding a new reference link written in JavaScript. (see at least col. 10 lines 23-50 ; col. 14 lines 19-22).

As to claims 9 and 23, BOE discloses positioning said selected poll (question) in a predefined area of said webpage (see at least Fig. 4d item 524 and associated text).

As to claims 10, and 24, Boe discloses refreshing the webpage (see at least col. 10 lines 23-50; col. 12 lines 3-11; col. 14 lines 39-41) and providing results of said one of selected polls within said a webpage ( Figs. 4e and associated text; col. 11 line 50 to col. 12 line 11; col. 14 lines 39-41).

As to claims 13 and 27, Boe discloses keeping a record of such interaction (see at least Figs 2, items 56, 58; Fig. 6b and associated text).

As to claims 14 and 28, Boe discloses archiving said record in a second database (see at least Figs 2, items 56, 58 are databases; Fig. 6b and associated text).

### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 11-12, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe.**

As to claims 11-12, 25-26 BOE does not specifically disclose building profile comprising embedding a tag as a cookie on the user computer. However Official Notice is taken that cookies are well known information files that a website puts on a user hard disk so that it can remember something about the user at a later time. Typically, a cookie records the user preferences when using a particular site. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to add cookies as tags to the user computer to Boe in order to implement Boe's keeping a record of the user's interactions.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<http://www.npdor.com/english/about.asp> (NPD Online Research Home/About NPD) discloses the NPD Group providing consumer and retail information and insights for a wide range of industries since 1967. Manufacturers and retailers rely on NPD information to help them make successful business decisions. Consumers are rewarded with sweepstakes for participating in surveys. Cookies are used.

<http://www.npdor.com/English/faqs.asp> (NPD Online Research Home/FAQ's , a selected set of 8 pages) discloses answers to questions about NPD survey participation, survey analysis, reward points program, use of cookies.


<http://www.npdor.com/English/privacy.asp> (NPD Online Research Home/ Privacy Policy) discloses NPD privacy policy.

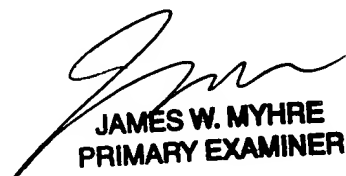
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 14, 2005

  
KHL

  
**JAMES W. MYHRE**  
**PRIMARY EXAMINER**